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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,589	11/24/2003	Francis J. Marentic	126.12-0003	5782

27367 7590 06/29/2007  
WESTMAN CHAMPLIN & KELLY, P.A.  
SUITE 1400  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS, MN 55402-3319

EXAMINER
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SHEWAREGED, BETELHEM

ART UNIT	PAPER NUMBER
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1774

MAIL DATE	DELIVERY MODE
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06/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/721,589

**Applicant(s)**

MARENTIC ET AL.

**Examiner**

Betelhem Shewareged

**Art Unit**

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,7,9,10,41-47 and 49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41,44-46 and 49 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1,4,6,7,9,10,42,43,47 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's response filed on 03/29/2007 has been fully considered. The 35 USC 112, 35 USC 102 and 35 USC 103 rejections have been withdrawn in view of Applicant's amendments and comments.
2. Claims 1, 41-44, 47 and 49 are amended, claims 2, 3, 5, 8, 11-40 and 48 are canceled, and claims 1, 4, 6, 7, 9, 10, 41-47 and 49 are pending.

### ***Claim Objections***

3. Claims 1, 6, 7, 42, 43 and 47 are objected to because of the following informalities:
  - a. Claim 1, line 1: The term "and" between "comprising" and "two" renders the claim indefinite.
  - b. Claim 1, line 4: The claim recites the limitation "clear gel layer". There is insufficient antecedent basis for this limitation in the claim.
  - c. Claim 1: The position of the third layer is not clear. It is not clear if it is on the first layer opposite the second layer or if it is on the second layer opposite the first layer. For the purpose of examination, the third layer is considered to be on the first layer opposite the second layer.
  - d. Claim 6, line 2: The claim recites the limitation "clear gel coat layer". There is insufficient antecedent basis for this limitation in the claim.
  - e. Claim 7, line 1: The claim recites the limitation "clear gel coat layer". There is insufficient antecedent basis for this limitation in the claim.

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- f. Claim 42, line 1: The term "and" between "comprising" and "two" renders the claim indefinite.
- g. Claim 42, line 6: The claim recites the limitation "clear gel coat layer". There is insufficient antecedent basis for this limitation in the claim.
- h. Claim 43, line 6: The claim recites the limitation "clear gel coat layer". There is insufficient antecedent basis for this limitation in the claim.
- i. Claim 47, line 3: The claim recites the limitation "the first layer". There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Allowable Subject Matter***

- 4. Claims 1, 4, 6, 7, 9, 10, 42, 43, 47 and 49 are objected to because of the above and/or are dependent upon objected base claim.
- 5. Claims 41, 44-46 and 49 are allowed.
- 6. The closest art Rackovan et al. (US 5,733,615) teaches a three layered in-mold label comprising a core layer, a base layer on one side of the core layer and a top layer on the other side of the core layer; however, Rackovan does not teach or suggest the core layer comprises a crosslinkable tack unsaturated polyester, and the base layer comprises a styrene monomer and a peroxide catalyst.

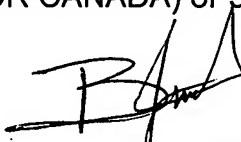
**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is 571-272-1529. The examiner can normally be reached on Mon.-Fri. 8:00AM-4:30PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS  
June 23, 2007.

  
BETELHEM SHEWAREGED  
PRIMARY EXAMINER